

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

.....
DONALD KOVAC, .
Plaintiff .
vs. . Civil Action No.:
2:09-CV-400
PENNSYLVANIA TURNPIKE .
COMMISSION, MITCHELL RUBIN, .
GEORGE HATALOWICH, MELVIN . TERRENCE F. MCVERRY
SHELTON and MARK ROWE, .
Defendants .
.....

Deposition of: JOSEPH G. BRIMMEIER, III

Taken by : Plaintiff

Date : May 11, 2010, 9:34 a.m.

Place : 27 South Arlene Street
Harrisburg, Pennsylvania

By : Susan L. Petrilla, Reporter
Notary Public

1 supplied the personnel records that we needed.

2 Q. Anything else?

3 A. Not that I can recall.

4 Q. Did she have any direct contact, to your
5 knowledge, with representatives at the union in
6 the course of bargaining at the time of the
7 strike?

8 A. Yes.

9 Q. What was that contact?

10 A. Again, it was the discussions regarding the
11 benefit packages that were on the table.

12 Q. Would you say that Pat Schlegel was called in to
13 the bargaining as needed to provide that kind of
14 information?

15 A. No, she was there during all the sessions, the
16 majority of the sessions.

17 Q. All right, back to Don Kovac. When you hired
18 him, can you tell me, was this a new position
19 that you created for Don?

20 A. Yes.

21 Q. All right. Did you create a job description, a
22 written job description, for that position at
23 about the time that he was hired?

24 A. No.

25 Q. Was one subsequently developed?

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1 Q. Do you have any knowledge regarding whether
2 Melvin Shelton has ever engaged in political
3 fundraising among Turnpike Commission employees?

4 A. No.

5 Q. Are you familiar with the issue of Don Kovac's
6 unemployment compensation application?

7 A. No.

8 Q. Do you know whether unemployment compensation
9 tax was withheld from Don's pay during his
10 tenure at the Turnpike?

11 A. I found out after some of the people were
12 terminated that there were people who had
13 unemployment taxes taken out of their pay that
14 should not have had them taken out. And I
15 instructed Trish Schlegel and our CFO to
16 reimburse those people that had unemployment
17 taxes taken out who would not be eligible for
18 unemployment.

19 Q. Did you make any effort to determine what
20 happened to those withholdings in the interim
21 between them being withheld and then reimbursing
22 those employees?

23 A. No.

24 Q. Do you know if anyone else made an effort to
25 find out what happened to that money?

1 Office, you have the various people on second
2 and third tiers of management that have cars.

3 And it all depends on what their job
4 requires, too. If their job requires extensive
5 travel, then they either have a Turnpike car
6 assigned to them or they use a pool car when
7 they're out doing Turnpike business.

8 Q. What is the first tier of Turnpike management?
9 Is that you?

10 A. Me. Me, George, the directors, I would say are
11 the first tier of management.

12 Q. Jeff Hess runs the Western Regional Office?

13 A. That's correct.

14 Q. And Ray Zajack is his assistant?

15 A. He was. Ray since has been moved up to -- I
16 guess his title is assistant director of Fare
17 Collection.

18 Q. Since Don's termination, have you recommended a
19 salary increase for anyone at the Turnpike
20 Commission?

21 A. We have had salary adjustments where, when we
22 combined the duties of some of the people that
23 we terminated and combined those duties with
24 another department, when HR felt it was
25 justified and suggested it, there have been some

1 people that got equity adjustments.

2 Q. Have there been any salary increases other
3 than -- since Don's termination, have there been
4 any salary increases other than because of
5 reorganization or adding job duties?

6 A. Salaries have all been frozen for probably three
7 years now, two and a half. Two and a half to
8 three years -- two years -- two and a half
9 years.

10 Q. Has your own secretary's salary been increased
11 since Don's termination?

12 A. No.

13 Q. Did you recommend the hiring of an interchange
14 manager named Gillen? Does that name sound
15 familiar to you?

16 A. No.

17 Q. Did you discuss Don Kovac's termination -- I may
18 have asked you this before, and I apologize --
19 with Melvin Shelton?

20 A. No.

21 Q. Did you discuss it with Mitchell Rubin?

22 A. No.

23 Q. Did you discuss it with Pat Caro?

24 A. No.

25 Q. I think that's all I have.